

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB487**

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**Hearing Date:** Thursday February 23, 2017  
**Committee On:** Judiciary  
**Introducer:** Morfeld  
**One Liner:** Provide exception to certain crimes for persons witnessing or experiencing drug overdoses and provide protection from civil liability for emergency responders and peace officers administering naloxone

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

|                            |   |  |
|----------------------------|---|--|
| <b>Aye:</b>                | 7 | Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks |
| <b>Nay:</b>                | 1 | Senator Chambers   |
| <b>Absent:</b>             |   |  |
| <b>Present Not Voting:</b> |   |  |

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**Verbal Testimony:**

**Proponents:**

Senator Adam Morfeld  
Jane Theobald  
Joshua Shasserre  
Spike Eickholt  
Joe Nigro

**Representing:**

Introducer  
Nebraska Medical Association  
Attorney General's Office  
Nebraska Criminal Defense Attorneys Association  
Lancaster County Public Defender & Nebraska State Bar Association

**Opponents:**

Jason Ausman

**Representing:**

Nebraska Association of Trial Attorneys

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 487 would amend Nebraska criminal code to encourage the reporting of drug overdoses through limited immunity, and provides for the distribution of naloxone by first responders.

Section 1-4 Inserts the reporting immunity into relevant portions of the Uniform Controlled Substances Act regarding possession of drugs and drug paraphernalia.

Section 5 Subsection (1) and (2): Provides immunity from charges or knowingly or intentionally possessing a controlled substance in violation of Criminal Code, or possession of drug paraphernalia with the intent to use if:

- The person reporting made a good faith request for emergency medical assistance on behalf of themselves or another, due to an overdose.
- The person was the first to request assistance upon noticing the overdose.
- The evidence that would be used for the associated possession charges came as a result of the reported overdose.
- The reporting individual stayed on the scene of the overdose and cooperated with first responders.

OR

- A person has overdosed and is treated by emergency responders and the evidence of their violation of the Uniform Controlled Substances Act is obtained as a result of that overdose and treatment.

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Subsection (3):

- Peace officers and their employing agencies are immune from legal action based on their compliance with Subsections (1) and (2).

Subsection (4):

- This bill does not prohibit investigation, arrest, prosecution or evidence collection pertaining to: a drug induced homicide; violations outside the provisions outlined in Subsections (1) and (2); any other criminal offense.

Subsection (5):

- Defines "drug overdose" for purposes of the section.

Section 6 Any emergency responder or peace officer administering naloxone to treat an apparent opioid overdose shall not be subject to administrative or criminal prosecution, nor will they be civilly liable for damages caused by the treatment or care for the individual experiencing the overdose unless the responder is willfully, wantonly, or grossly negligent.

Provides definitions for purposes of the section.

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**Explanation of amendments:**

AM 568 would provide reporting immunity to multiple individuals engaging in good faith reporting of an overdose.

AM 568 would further amend the following legislation into LB 487 for Judiciary Committee omnibus purposes:

LB 167- Include cannabidiol as a Schedule V controlled substance.

LB 293- Include U-47700 as a Schedule I controlled substance under the Uniform Controlled Substances Act.

LB 296 as amended by AM 276- Change immunity provisions with respect to asthma and allergic reactions.

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Laura Ebke, Chairperson